

REMARKS/ARGUMENTS

Claims 1-18 are pending in this application. Claims 1-8 were rejected under 35 U.S.C. §102(e) as being anticipated by Bolle et al., U.S. Patent No. 6,675,174. Claims 9-10, 14-15 and 17-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Burrows, U.S. Patent Publication No. 2002/0049753A1. Claims 11 and 16 were rejected as being unpatentable over Burrows, U.S. Patent Publication No. 2002/0049753A1 as applied to claims 9-10, 14-15, and 17-18 above and in view of Bolle et al., U.S. Patent No. 6,675,174 under 35 U.S.C. §103. Claims 12 and 13 were rejected as being unpatentable over Burrows, U.S. Patent Publication No. 2002/0049753A1 as applied to claims 9-10, 14-15, and 17-18 above and in view of Rhoads et al., U.S. Patent Publication No. 2002/0032864A1 under 35 U.S.C. §103.

Claims 1-8

Claims 1-8 were initially rejected by the office action under 35 USC §102. Claims 1 and 4 have been amended to more clearly claim the claimed embodiments of the invention. Claim 1 now recites the features of: "deriving a frequency representation of a portion of the entire set of data for said file"; "providing a file name for said file wherein said file name is representative of the entire set of data for said file"; "providing said file name in a directory wherein said directory is accessible for retrieving said entire set of data for said file"; and "associating said frequency representation of said portion of said file with said file name so that said frequency representation is searchable within said directory for use in locating said file."

The Bolle reference does not teach all of the elements of claim 1. For example, the Bolle reference fails to teach "deriving a frequency representation of a portion of the entire set of data for said file" and "associating said frequency representation of said portion of said file with said file name so that said frequency representation is searchable within said directory for use in locating said file." The Bolle reference does not derive a frequency representation of a portion of an entire set of data and then associate that frequency representation with the file name so that the frequency representation is searchable within the directory. Because the Bolle

reference does not teach each and every element of claim 1, it fails to anticipate claim 1. It also fails to anticipate claims 2-3 which depend from claim 1.

The Bolle reference also fails to teach all of the elements of claims 4-8. For example, it is noted that claim 4 has been amended to recite the element of "eliminating said unknown file as a redundant file." This element is supported by the specification (see, for example, claim 10 as filed) and is not taught by the Bolle reference. Since the Bolle reference does not teach each and every element of claims 4-8, these claims are not anticipated by the Bolle reference.

Claims 9-18

Claims 9-10 were rejected under 35 USC §102 in view of Burrows. Claims 11-18 were rejected under 35 USC §103 in view of the combination of Burrows with either Bolle or Rhoads. Claim 9 has been clarified by amendment to recite the element of " establishing a redundancy standard so as to indicate whether any two of said fingerprints of said files having non-identical fingerprints are redundant of one another." The Burrows reference fails to teach this element. In fact the Burrows reference teaches away from this element in paragraph [0382] where it recites that:

"If there is no identical fingerprint entry in the index 70, then the current page is different, and the current page can be parsed and indexed as a master page in step 2430."

Notably, the Burrows reference believes that if two fingerprint entries are not identical, then the pages are different and entitled to be categorized as master documents. Claim 9 presented above, however, recites a redundancy standard that is used so as to indicate whether any two of the fingerprints of the files having non-identical fingerprints are redundant of one another. Clearly, this is not taught by the Burrows reference.

Because the Burrows reference was relied upon for all the features of claim 9 in rejecting claims 9-18, claims 9-18 are believed to be in condition for allowance.

Drawing issues

The drawings were objected to by the examiner under 37 CFR § 1.83(a) in the office action. Proposed new drawings are submitted with this response for the examiner's review. The proposed new drawings now include:

- (a) Frequency representation comprising a Fast Fourier Transform; and
- (b) Obtaining said first frequency representation by performing a Discrete Fourier Transform.

Specification Amendments

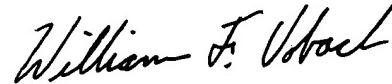
Paragraph [021] was objected to by the office action for including language similar to a hyperlink. An amended paragraph [021] is submitted with this response with the cited language enclosed by angle brackets.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



William F. Vobach
Reg. No. 39,411

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
WFV:klb
60298365 v1